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EXAMINER

ZURITA, JAMES H

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/487,392

Applicant(s)

LOPEZ JR., LEONARD H.

Examiner

James H. Zurita

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>26 September 2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Prosecution History

On 18 January 2000, applicant filed the instant application. No priority is claimed. This application is related to applications 09/487387, filed on 18 January 2000, and 09/825734, filed 4 April 2001, a continuation in part of the instant application.

On 16 June 2002, the Examiner sent a first Office Action, rejecting claims 1-20 as unpatentable over Sevcik (US 6,330,542) in view of Smith (US 5,964,156).

On 12 December 2002, applicant filed a 1st Request for Continued Examination.

On 11 February 2003, the Examiner sent a first Office Action after the RCE, again rejecting claims 1-20 as unpatentable over Sevcik (US 6,330,542) in view of Smith (US 5,964,156).

On 10 June 2003, applicant amended claims 3 and 14.

On 21 August 2003, the Examiner sent a final Office Action, rejecting claims 1-20 as unpatentable over Sevcik (US 6,330,542).

On 24 November 2003, applicant filed a 2d request for Continued Examination. Applicant cancelled claims 2-3, amended claims 1, 4 and 6 and added claims 21-24.

On 26 February 2004, the Examiner sent a first Office Action after the RCE, rejecting claims 1, 4-24 as unpatentable over Klatt (US 6,473,760).

On 23 August 2004, applicant amended claims 21 and added claims 25-31. Applicant provided affidavits under 37 CFR 1.131.

On 16 November 2004, the Examiner issued a final rejection, rejecting claims 1, 4-31 as being unpatentable over Klatt et al. (US 6,473,760) in view of ImageX.com **SEC**

Filing of 12 May 1999, downloaded from www.secinfo.com on 10 November 2004.

Imagex is the assignee of the Klatt patent.

On 24 May 2005, applicant filed a 3d Request for Continued Examination, amending claims 25-26, 28-31. Applicant again provided affidavits under 37 CFR 131.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 25 May 2005 has been entered.

Response to Amendment

On 25 May 2005, applicant amended claims 25-26 and 28-31, and submitted an affidavit under 37 CFR 1.131 to antedate Klatt (US 6,473,760).

Claims 1 and 4-31 are pending and will be examined.

Claim Objections

In claims 1, 6, 9-12, use of the term ***predeterminable profile***. The term will be given its broadest reasonable interpretation to include stored data such as a person's name, title, etc.

In claims 1, 14 and 15, the term ***directly*** is indefinite, since a computer action may include the execution of multiple instructions. For purposes of this examination, the term will be interpreted to include one or more actions of a computer to produce a result.

In claims 1, 21, 24-27, use of the term ***or*** renders the claims indefinite, since it is not possible to determine the scope of the claim as requiring both items or only one of the items separated by the or. For purposes of this examination, examiner will give the term its broadest reasonable interpretation and consider that the particular condition is satisfied if one of the limitations is met.

In claims 1, 17, 19, 21, 24 and 25, use of the term ***automatically*** is indefinite, since the term may be used to denote automation (as in using a computer to carry out a task) or to denote activity that takes place as a matter of course, such as when a person brushing one's teeth in the morning. The term will be given its broadest reasonable interpretation to refer to one or more actions of a computer to produce a result.

In claim 7, the term ***developing a list of fields*** is indefinite. The term will be given its broadest reasonable interpretation to include obtaining a list of fields that may be used in preparing printed materials with specific information present in a database, such as employee name, for example.

In claims 1, 21, 25-31, the term ***enable*** renders the claims indefinite. Mere use of the term enable does not provide enablement under 35 USC 112, first paragraph. For purposes of this examination, the term will be given its broadest reasonable interpretation to refer to actions such as may be carried out with the use of a computer.

Claims 14 and 15 do not further limit claim 1.

Claim 18 refers to "...said template step..." which is not otherwise mentioned.

In claims 21, 25-27, use of the term ***predefined***. The term will be given its broadest reasonable interpretation to include stored data such as a person's name, title, etc.

In claim 31, the term ***for simultaneous processing*** is not defined. Simultaneous processing is true multiple-processor operation in which more than one task can be processed at a time.¹ Even the term simultaneous by itself is defined as existing or occurring at the same time: exactly coincident.² These features are not shown in applicant's disclosures. The term will be given its broadest reasonable interpretation to refer to optimizing multiple production requests.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 31 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

¹ Definition of ***simultaneous processing***, MICROSOFT PRESS Computer Dictionary.

² Definition of ***simultaneous***, MERRIAM WEBSTER Collegiate Dictionary

Claim 31 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Simultaneous processing is true multiple-processor operation in which more than one task can be processed at a time.³ Even the term simultaneous by itself is defined as existing or occurring at the same time: exactly coincident.⁴ These features are not shown in applicant's disclosures. The term will be given its broadest reasonable interpretation to refer to optimizing multiple production requests.

While applicant mentions batching, there is no enablement and no written description for simultaneous processing.

Affidavit under 37 CFR 1.131

At the onset, the Examiner notes that while the Lopez affidavit refers to the instant application, 09/487392 [attorney docket number 7826.003], the Rodriguez affidavit refers to related application **09/487387** [attorney docket number **7826.004**]. Because the Rodriguez affidavit addresses the subject matter of the application, both affidavits will be considered to have been properly filed.

³ Definition of ***simultaneous processing***, MICROSOFT PRESS Computer Dictionary.

⁴ Definition of ***simultaneous***, MERRIAM WEBSTER Collegiate Dictionary

The affidavit/declaration of Lopez and Rodriguez filed on 24 May 2005 under 37 CFR 1.131 has been very carefully considered but are ineffective to overcome Klatt (US 6,473,760) and/or the SEC filing of 12 May 1999.

Failure to establish diligence

The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Klatt reference to either a constructive reduction to practice or an actual reduction to practice. In the present case, the applicant's have not properly established diligence through sketches, notebook entries, etc. for the entire time from prior to the date of the Klatt reference up to the date of reduction to practice. "An applicant must account for the entire period during which diligence is required." *Gould v. Schawlow*, 363 F.2d 908, 919, 150 USPQ 634, 643 (CCPA 1966). Statements that the subject matter "was diligently reduced to practice" is not a showing "but a mere pleading." *In re Harry*, 333 F.2d 920, 923, 142 USPQ 164, 166 (CCPA 1964). Diligence requires that Applicants must be specific as to dates and facts. *Kendall v. Searles*, 173 F.2d 986, 993, 81 USPQ 363, 369 (CCPA 1949). (Also see MPEP 2138.06).

Failure to establish conception

The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Klatt reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to

solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897). In the present case, applicants have not properly supported conception of their invention through sketches, notebook entries, programming code, high-level system diagrams, use cases, etc.

Failure to reduce to practice (Actual)

The evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the Klatt reference. An actual reduction to practice requires a showing of the invention in a physical or tangible form that shows every element of the count. See *Wetmore v. Quick*, 536 F.2d 937, 942, 190 USPQ 223, 227 (CCPA 1976). For an actual reduction to practice, the invention must have been sufficiently tested to demonstrate that it will work for its intended purpose, but it need not be in a commercially satisfactory stage of development. If a device is so simple, and its purpose and efficacy so obvious, construction alone is sufficient to demonstrate workability. *King Instrument Corp. v. Otari Corp.*, 767 F.2d 853, 860, 226 USPQ 402, 407 (Fed. Cir. 1985); (Also see MPEP 715.02 and 715.07).

In the present case, the evidence submitted by the applicants fails to show the claimed limitations of internet-accessible interfaces, including selected web page flows that clearly illustrate, for example, that a requestor interface does not enable a user to modify typography. Additional evidence may be provided in the form of test results for

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unit testing, string testing, user acceptance testing, production testing. For example, such results may include hash totals, number of input records, expected output, correction of detected errors, etc. for each of unit test region, UAT region, production region. In contrast, the documents fail to show web page flows for internet profile management interfaces accessible to selected institutional representatives.

Lack of Drawings and/or Explanation

37 CFR 1.131(b) states "Original exhibits of drawings or records, or photocopies thereof, must accompany and form part of the affidavit or declaration or their absence satisfactorily explained." In the present case, the Applicants have neither provided the Patent Office with drawings, records, or photocopies for use cases, entity relationship diagrams, load balancing considerations and tradeoffs, traffic analysis, database normalization steps, etc., nor have they satisfactorily explained the absence of such documents.

Selected Miscellaneous Issues, Lopez affidavit

Item 2, **Exhibit A**, is a copy of applicant's originally filed disclosures and fails to provide further support for applicant's assertions at issue.

Items 3-6, **Exhibit B**, is a copy of US 6,473,760 to Klatt, first noted by this Examiner. Applicant's comments concerning Klatt fail to support assertions that applicant completed and reduced to practice his claimed invention.

Item 7, **Exhibit C**, fails to substantiate applicant's assertions of completion and reduction to practice. The static page, possibly part of a large system, does not show "...inputting a predetermined profile...as described in [disclosures]. The pages do not "...display (1) my process of collecting and providing company-indicative informational elements and content; (2) my process of customizing and generating a company-tailored prototypical product record a; and (3) my process of selecting and ordering company-tailored prototypical product record to be printed according to the company-tailored product record and contents" as stated.

Item 9, **Exhibit D**, purports to show "...completion and reduction to practice of my invention as it appeared to a user on June 10, 1999 listing a set of stationery items that were available for ordering..." However, Exhibit D fails to show that the items can be acted upon. There is no showing of a hyperlink, for example. The list is insufficient to show that one could actually order these products from the web page.

Item 10, **Exhibit E**, a business card created by conventional printing [**prior art**], had no date and provides no support to applicant's assertions of completion and reduction to practice.

Item 11 (listed two times) and item 12, **Exhibit F**, has no date and it is not clear whether the exhibit represents a screen shot, or something else. Exhibit E fails to support applicant's assertions that "...order information directly and automatically flowed into the pre-press product without human intervention before Kaltt's filing date of December 13, 1999..."

Items 13 and 14, **Exhibit G**, appears to be an internet page, but fails to show that "...business cards and invoice were created by the invention by ..." as asserted.

Selected Miscellaneous Issues, Rodriguez Affidavit

Item 4, Exhibit A, undated, 2 pages, appears to be mere pleadings concerning the claimed system.

Item 5, Exhibit C, dated 6/10/99, 2 pages. See discussion of Lopez item 7.

Item 6, Exhibit D, dated 6/10/99, 1 page. See discussion of Lopez item 9.

When considering applicant's assertions, individually and as a whole, the Examiner finds that the affidavits submitted under 37 CFR 1.131 fail to overcome

For these reasons, the declarations are rejected.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-12, 21-26 and 28-29, are rejected under 35 U.S.C. 102(e) as being anticipated by Klatt et al. (US 6,473,760).

As per independent claim 1, Klatt discloses methods for fulfillment of institutional business card and stationery product orders, comprising the steps of:

(a) ***generating*** a company-tailored prototypical product record comprising a template to define the placement and typography of a plurality of informational elements

for printing on a company-tailored business card or stationery product. See for example, references to customizing product records, i.e., templates, Col. 10, line 66-Col. 11, line 8; see also references to various templates, at least Col. 13, line 54-Col. 14, line 17, and Col. 15, lines 7-57) to correspond with each printable product in the set (see, for example, at least Col. 15, lines 7-57 concerning different templates for specified products;

(b) **providing a requestor interface** for entry of a distributed user's print-order, said **requestor interface** being adapted to enable the user to select and order a company-tailored business card or stationery product to be printed according to the company-tailored prototypical product record and a predeterminable profile defining content for one or more of the informational elements provided by the template. See, for example, at least Fig. 9 and related text. See also at least Col. 15, lines 5-57. See Fig. 6, employee schema, i.e., applicant's predeterminable profile.

(c) processing the user's print order through a **processor interface**, said processor **interface** being adapted to directly generate a pre-press product automatically incorporating said predeterminable profile into said tailored product. See, for example, at least Fig. 2 and related text, which shows various interfaces, including an interface between a procurement system and a print production system.

As per claim 4, Klatt discloses that a template comprises tracking, kerning and text adjustment information for said specific company tailored product. See at least references to size, placement, shape, and other information, Col. 10, lines 42-65.

As per claim 5, Klatt discloses that a template further comprises graphics placement information for said specific company tailored product. See, for example, at least Col. 15, lines 5-57 and references to the presentation of at least several types of logos. See also references to letterheads, as in Col. 1, lines 15-53. In letterheads, logos are often placed at the head of a print product.

As per claim 6, Klatt discloses defining the plurality of informational elements, including a list of fields adapted to be filled with content defined by a plurality of predeterminable profiles. See, for example, at least Fig. 6 and related text, which shows different information elements such as employee name, title, that are filled with information from predeterminable profiles such as employee records.

As per claim 7, Klatt discloses

- (a) **generating** a plurality of prototypical product records. See at least references to stationery products such as letterhead, business cards and envelopes, as in Col. 1, lines 15-53.
- (b) **developing** said list of fields according to said plurality of prototypical product records. See for example, references to customizing product records, i.e., templates, Col. 10, line 66-Col. 11, line 8; see also references to various templates, at least Col. 13, line 54-Col. 14, line 17, and Col. 15, lines 7-57) to correspond with each printable product in the set (see, for example, at least Col. 15, lines 7-57 concerning different templates for specified products;

As per claim 8, Klatt discloses implementing a database to collect and store data according to said field list. See, for example, at least Fig. 6 and related text.

As per claim 9, Klatt discloses that a predeterminable profile comprises at least some of said data collected according to said field list. See, for example, at least Fig. 6 and corporate database schemas and references to individual employee information.

As per claim 10, Klatt discloses that a predeterminable profile comprises user-indicative information. See, for example, references to employee name, as in Fig. 2 and related text.

As per claim 11, Klatt discloses that a predeterminable profile further comprises company-indicative information. See, for example, at least references to logo, as in Fig. 6 and related text. see also at least Col. 15, lines 5-57.

As per claim 12, Klatt discloses that a predeterminable profile further comprises company-indicative information. See, for example, at least references to logo, as in Fig. 6 and related text. see also at least Col. 15, lines 5-57.

As per claim 14, Klatt discloses merging at least a portion of said data collected according to said field list with said template of said prototypical product record to directly generate said pre-press product. See, for example, at least Fig. 5 and related text, which show that data from printed product templates (defined in step 501) is merged with data in the corporate database (step 505) to generate a print production request, which, as shown in Fig. 2 and related text, produces a pre-press product that is used by print production, imaging systems.

As per claim 15, this claim is rejected for reasons explained in claim 14.

As per independent claim 21, Klatt discloses methods for fulfillment of institutional business card and stationery product orders, said method comprising the steps of:

- (a) **providing a set of printable stationery products**. See at least references to stationery products such as letterhead, business cards and envelopes, as in Col. 1, lines 15-53.
- (b) **customizing templates** to correspond with each stationery product in the set, wherein the template defines a plurality of common and specific informational elements for printing on the stationery product, and wherein the template also defines the placement and typographical settings of the informational elements to be printed on the stationery product. See at least references to customization, and elements such as logos, as in Col. 1, lines 30-53, Col. 15, lines 5-57; for typographical settings, see at least references to font, as Col. 1, lines 30-53.
- (c) **providing predefined informational** content for the common informational elements of the customized templates, including for at least one of the common informational elements informational content that identifies a specific organization. See, for example, references to logos, as in Col. 15, lines 5-57.
- (d) **providing a requestor interface** for entry of a print order by a user associated with that organization; the
 - d.1** requestor interface being adapted to enable the user to select a stationery product from the set of printable stationery products. See, for example, at least Fig. 9 and related text, concerning the type of product, such as a business card.

d.2 requestor interface being further adapted to enable the user to define or select a profile comprising informational content for the specific informational elements of the customized templates. See, for example, at least Fig. 9 and related text, concerning the type of product, such as a business card.

d.3 [requestor interface] does not enable the user to define or modify the organization-identifying informational content to be printed on the stationery. Please see Fig. 9, which **does not** permit a user to define or modify the organization-identifying informational content to be printed on the stationery.

(e) in response to the print order, automatically generating a pre-press product incorporating both the predefined informational content for the common informational elements of the customized templates and the informational content from the user-defined or user-selected profile. See, for example, at least references to PostScript, a prepress format, as in Col 1, lines 54-63; see also at least Fig. 2, which shows generating print products according to orders.

As per claim 22, Klatt discloses that templates are customized for a business organization. See, for example, at least references to customization, as in Col.1, line 15-53, including customized content such as employee information for a business..

As per claim 23, Klatt discloses that one of the common informational elements comprises a graphical representation of a business organization logo. See at least references to logo, as in Col. 15, lines 5-57.

As per claim 24, Klatt discloses processing the user's print order by merging the defined or selected profile with the template of the selected stationery product to

automatically generate the pre-press product. See, for example, at least references to PostScript, a type of pre-press product, as in Col. 1, lines 53-64. See also Fig. 2 and related text, orders from procurement to print production systems.

As per independent claim 25, Klatt discloses methods for automated print order processing to be performed using computer hardware and software, including:

(a) **providing a set of printable products** to different levels of personnel of an institutional customer (see, for example, at least references to gold-embossed logos for management, blue logos for sales, as in Col. 15, lines 7-57);

(b) **customizing templates** (see for example, references to customizing product records, i.e., templates, Col. 10, line 66-Col. 11, line 8; see also references to various templates, at least Col. 13, line 54-Col. 14, line 17, and Col. 15, lines 7-57) to correspond with each printable product in the set (see, for example, at least Col. 15, lines 7-57 concerning different templates for specified products), wherein

the template defines the placement (e.g., letterheads, i.e., placement of text and logo at specified location of a printed product, as in Col. 10, line 66-Col. 11, line 8) and typographical settings (see, for example, references to fonts, at least Col. 1, lines 30-42) of a plurality of informational elements (see, for example, at least references to name, title, telephone numbers, as in Fig. 6 and related text) to be printed on the printable product (see for example, references to business cards, Col. 1, lines 30-42, envelopes, letterheads, office supplies, as in Col. 11, lines 50-59),

(c) **creating predefined user profiles** for one or more of said personnel of said institutional customer (see, for example, at least Fig. 6 and related text, concerning

employee records, for example), said profiles containing or referencing user-indicative and institution-indicative content for the informational elements of the customized templates (see, for example, at least references to user-indicative content such as an employee's title, as in Fig. 6 and related text; for institution-indicative content, please see at least references to logo, as in Col. 15, lines 7-40);

(d) ***providing an Internet-accessible requestor interface*** (see, for example, references to the Internet, at least Col. 3, lines 30-67; see also references to interfaces such as in Fig. 15 and related text) for entry of a print order by a user who is one of said personnel of said institutional customer (see, for example, at least references to employees, HR departments, and others, as in Col. 3, line 46-Col. 4, line 19), the ***requestor interface*** being adapted to enable the user to

(d.1) log on through a security protocol that identifies the user and a predefined user profile associated with the user (see, for example, at least Col. 15, lines 7-57, Fig. 15 and related text, and references to secure environments)

(d.2) select a printable product from said set of printable products (see, for example, at least Fig. 9 and related text, concerning the type of product, such as a business card); and

(d.3) submit a print order for the selected printable product (see at least Fig. 9 and related text, e.g., ***release job***)

- wherein the requestor interface does not enable the user to modify the typography of any information to be printed on the business card or stationery product (please see

Fig. 9, which **does not** permit a user to modify the typography of any information to be printed on the business card or stationery product); and

- in response to the print order, automatically generating a pre-press product incorporating the user-indicative and institution-indicative content from the predefined user profile associated with said user into the selected print product in accordance with the placement and typographical settings defined in the corresponding print product template (see, for example, at least references to PostScript, a prepress format, as in Col 1, lines 54-63; see also at least Fig. 2, which shows generating print products according to orders).

The Examiner notes that claim 25 contains language that appear to recite self-laudatory, purported benefits of applicant's invention. As such, the limitation carries little or no patentable weight:

...thereby facilitating the provision of institutionally-tailored products that have a consistent appearance to said personnel of that institutional customer.

Nevertheless, Applicant is respectfully directed to Klatt, at least Col. 1, line 30-Col. 4, line 19 concerning goals of prior art, and other benefits derived from printing.

As per claim 26, Klatt discloses providing an internet-accessible **purchaser interface** that enables an institutional representative to specify and modify the institution-indicative content contained or referenced by said predefined user profiles. See, for example, at least Fig. 5 and related text, such step 501, which discloses that purchaser representative may specify institution-indicative content, such as shape, color and other parameters, including logos.

As per claim 28, Klatt discloses an internet-accessible **purchaser interface** to enable an authorized purchasing agent for the institution to cancel, approve, and modify print orders submitted by a user of said **requestor interface**. See, for example, at least references to approval, Col. 5, lines 36-44; see also references to requisitions, as in Col.6, lines 48-Col. 7, line 20. See also Col. 11, lines 36-54.

As per claim 29, Klatt discloses that internet-accessible purchaser **interface** further enables the authorized purchasing agent for the institution to selectively approve multiple submitted print orders for actual printing. See, for example, at least references to approval, Col. 5, lines 36-44; see also references to requisitions, as in Col.6, lines 48-Col. 7, line 20. See also Col. 11, lines 36-54.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 27 is rejected under 103(a) as being unpatentable over Klatt et al. (US 6,473,760) in view of ImageX.com SEC Filing of 12 May 1999, downloaded from www.secinfo.com on 10 November 2004. Imagex (assignee of the Klatt patent).

As per claim 27, Klatt **does not** specifically disclose that a requestor interface further enables a user to update his or her predefined user profile. Klatt teaches database records can be updated. See, for example, at least Col. 3, lines 32-45, Col. 13, lines 54-65. See also references to changes in employee records, as in Col. 6, lines 29-48.

SEC Filing discloses control and password protected online printing center where authorized customer employees can individually modify, proof, procure and manage a wide variety of printed business materials within the centralized parameter and present rules established by the customer. See, for example, S-1 page 9 of 123.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine *Klatt* and **SEC Filing** to disclose that a requestor interface further enables a user to update his or her predefined user profile.

One of ordinary skill in the art at the time the invention was made would have been motivated to combine *Klatt* and **SEC Filing** to disclose that a requestor interface further enables a user to update his or her predefined user profile for the obvious reason that one a company may thus reduce labor that might be labor intensive and that could result in errors, as taught by *Klatt*.

Claims 13, 16-20 and 30-31 are rejected under 35 USC 103(a) as being unpatentable over Klatt, above, in view of Official Notice.

As per claim 13, *Klatt* **does not** specifically disclose that a user **interface** may comprise a server-side scripting environment. The Examiner initially notes that the term server-side scripting environment carries little patentable weight, since it refers to activities that are implied and not positively stated. Nevertheless, as officially noted previously without traverse, and therefore now admitted prior art, server-side scripting environments were notoriously well known at the time the invention was made.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Klatt and generally available knowledge to disclose that a user interface may comprise a server-side scripting environment.

One of ordinary skill in the art at the time the invention was made would have been motivated to combine Klatt and generally available knowledge to disclose that a user interface may comprise a server-side scripting environment for the obvious reason that scripting environments permit customization and addition of interactivity to Web pages and permits users to adapt pages to prefill some fields, for example.

As per claim 16, Klatt discloses pre-press products such as PostScript, Col. 2, lines 30-53 and that print orders may be sent to local print shops and copy stores, as in Col. 30-53. Klatt also discloses sending files to image setters, as in Fig. 1. **As per claim 16**, Klatt **does not** specifically disclose that a pre-press product comprises a copier command set.

Official Notice is taken that Imagesetters are devices that can transfer camera-ready text and artwork from computer files directly onto paper or film; they are usually PostScript compatible.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Klatt and general knowledge to disclose that pre-press product may comprise a copier command set.

One of ordinary skill in the art at the time the invention was made would have been motivated to combine Klatt and general knowledge to disclose that pre-press

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product may comprise a copier command set for the obvious reason that functions formerly attributed to printers can now be performed by copying machines.

As per claim 17, Klatt discloses formatting portions of data and merging the data according to field lists of a template. See, for example, at least Col. 10, lines 42-65. **As per claim 17**, Klatt **does not** specifically disclose formulating a **script** to perform the claimed limitation.

As officially noted previously without traverse, and therefore now admitted prior art, server-side scripting environments were notoriously well known at the time the invention was made.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Klatt and generally available knowledge to disclose that the step of providing a requestor interface may further comprise the step of formulating a script, and **adapting the particular script** to automatically format said data collected according to said field list for merging said template of said Prototypical product record.

One of ordinary skill in the art at the time the invention was made would have been motivated to combine Klatt and generally available knowledge to disclose that the step of providing a requestor interface may further comprise the step of formulating a script, and **adapting the particular script** to automatically format said data collected according to said field list for merging said template of said Prototypical product record for the obvious reason that scripting environments permit customization and addition of

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interactivity to Web pages and permits users to adapt pages to prefill some fields, for example.

As per claim 18, Klatt discloses the method as recited in claim 17, wherein the processing step further comprises a step of formatting a portion of data prior to said merging with a template. See, for example, at least Col. 10, lines 42-65. **As per claim 18**, Klatt **does not** specifically disclose formatting a portion of data **through a script**.

As officially noted previously without traverse, and therefore now admitted prior art, server-side scripting environments were notoriously well known at the time the invention was made.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Klatt and generally available knowledge to disclose that a processing step may further comprise a step of formatting a portion of data prior to said merging with a template.

One of ordinary skill in the art at the time the invention was made would have been motivated to combine Klatt and generally available knowledge to disclose that a processing step may further comprise a step of formatting a portion of data prior to said merging with a template for the obvious reason that scripts permit customization and addition of interactivity to Web pages and permits users to adapt pages to prefill some fields, for example.

As per claim 19, Klatt discloses importing graphics data into said template of said prototypical product record according to the content of said data collected

according to said field list. See, for example, at least references to merging graphics, as in Col. 9, line 60-Col. 9, line13.

As per claim 20, Klatt discloses importing graphics data into said template of said prototypical product record. See, for example, at least references to merging graphics, as in Col. 9, line 60-Col. 9, line13.

As per claim 30, Klatt discloses enabling users to view and obtain approvals to release orders for orders that have not yet been approved. See, for example, at least Col. 7, lines 1-7. As per claim 30, Klatt does not specifically disclose a processor interface that enables the **print provider** to view the status of not-yet-approved orders.

Official Notice is taken that it is old and well known for print providers to monitor their workloads.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to extend Klatt to disclose that an interface may enable the **print provider** to view the status of not-yet-approved orders. One of ordinary skill in the art at the time the invention was made would have been motivated to extend Klatt to disclose that an interface may enable the **print provider** to view the status of not-yet-approved orders for the obvious reason that a print provider may thus be able to optimize his workload by using possibly idle machines for other jobs for the same customer or for other customers, possibly making more money.

The following comments apply to claims 30-31. Klatt discloses being able to perform actions on a vendor's print system, as in Col. 11, lines 36-53. Klatt discloses various actions that may be distributed among various vendors (applicant's print providers), as in Col. 7, lines 1-47. See, for example, at least Col. 13, lines 10-30. Klatt discloses queuing and batching of orders, as in Col. 10, lines 8-33. Klatt also discloses optimizing print production into various print jobs. See, for example, Col. 7, lines 45-67.

As per claim 31, Klatt discloses sorting of approved orders into batches for simultaneous processing. Users may request such sorting via interfaces to the system by various criteria, including geographic area, for example, as in Col. 7, lines 21-47. See also references to optimizing multiple print production requests, at least Col. 7, lines 47-67. As per claim 31, Klatt **does not** specifically disclose a processor interface that enables the **print provider** to sort approved print orders into batches for simultaneous processing.

Official Notice is taken that it is old and well known for print providers to monitor their workloads.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to extend Klatt to disclose an interface that enables the **print provider** to sort approved print orders into batches for simultaneous processing.

One of ordinary skill in the art at the time the invention was made would have been motivated to extend Klatt to disclose an interface that enables the **print provider** to sort approved print orders into batches for simultaneous processing for

the obvious reason that a provider may then be able to optimize his production and possibly make more money.

Response to Arguments

Applicant's arguments filed 24 May 2005 have been fully considered.

In response to Applicant's arguments, page 10, line 6-page 11, line 14, his 37 CFR 1.131 Affidavits are insufficient to overcome the references.

Objections to the Drawings are withdrawn in view of amendment.

Rejections under 35 USC 112 are withdrawn in view of amendment.

Rejections under 35 USC 101 are withdrawn in view of amendment.

Applicant asserts, page 13, lines 1-5, that there is no motivation to combine the prior art. In response to this argument, the Examiner respectfully directs applicant's attention to motivation stated in the previous Office Action, particularly pages 13-14.

In addition, the Examiner notes that the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

Applicant comments, page 14, lines 16-24, refer to ***front end solution***, ***employees*** and ***manual control***. In response, the examiner again notes that the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd.

Pat. App. & Inter. 1985). The Examiner also notes that there is no mention of **front end solution, employee** and **manual control** in applicant's claims. The Examiner further notes the absence of the terms *employee* and *front end* in applicant's disclosures, and that while the disclosures use the word *manual* (function), the term is used in reference to batching of orders.

On page 13, line 6-page 14, line 5, applicant provides a list of features that he believes are required to accomplish his solution. At the onset, the Examiner respectfully notes that these comments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the **language of the claims** patentably distinguishes them from the references. The Examiner also notes that the features are not recited in the claims, and encourages the Applicant to review the language of his claims.

- 1) The ability to allow an institutional representative to define prototypical product records which include placement and typography - including tracking, kerning, and text adjustment information - for all informational elements, both textual and graphical, of the product record. This requirement is covered by Claim 1(2); Claims 4-5; Claim 17; Claim 21(3), Claims 22 and 23; and Claim 25(3).
- 2) The ability for an institutional representative to establish a database to store all the informational elements required by the prototypical product records. Claims 6 and 8.
- 3) The ability to allow an institutional representative to provision user profiles that will define which products are available to each of the institution's employees. Claim 25(1, 4, 6) claim 26.
- 4) The ability to allow an institutional representative to define information fields that are controlled by the employee and information fields that are controlled by the institutional representative. Claims 10 and 11; Claim 21(5).
- 5) The ability to allow each of institution's employees to individually access the system to define the content of his profile within the constraints established by the institutional representative and select and order a printable product within the constraints established by the institutional representative, and order the printable product. This system access should be done through a secure mechanism. Claim 1(3), 25(5,9), claim 27.

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6) The ability to allow an institutional representative to modify, cancel, or approve an employee's orders prior to releasing the order to the printing provider. Claim 28-29.

7) The ability for the system to automatically generate a pre-press product incorporating the employee's information within the prototypical product layout established by the institutional representative. Claim 1(4), claim 21(6), claim 24, claim 25(10).

The Applicant's invention is concerned with providing a flexible, distributed front-end interface for ordering printed business materials to the ultimate end user of such material and combining this front-end system with an automated back-office systems.

Applicant admits to various aspects of Klatt that read on his claims.

...[Klatt] and the applicant's invention both address a method for providing a set of printable stationery products to a large, institutional customer in a manner which increases speed and efficiency...

Klatt [provides] a computerized back-end system of event rules that will automatically determine when such materials will be printed and will automatically flow information from pre-established corporate databases into an electronic publishing application. [citation omitted]

Applicant argues that Klatt teaches away from the SEC filing:

Klatt specifically teaches away from providing such a front-end system that allows for **manual** entry of personal data by *the employee*. Klatt expects information to be available from existing database sources and suggests that any ability to alter that information impinges upon the novelty of its solution. Specifically, Klatt states, "The print production request or requisition contains data directly extracted from the corporate database, rather than being **manually** entered by an employee." Klatt, Col. 3, Lines 39-42.

The Examiner respectfully disagrees and notes that Klatt does not teach away from the SEC Filing, for at least the following reasons:

Firstly, the Examiner respectfully notes that applicant's selected quote is taken out of context and distorts Klatt. The Examiner provides a fuller recitation of the particular paragraph in Klatt:

The present invention provides a system and method for extracting information from one or more corporate databases and automatically generating print production orders using such information. In one embodiment, a set of event definitions is provided based on changes to data in the corporate database. A set of event rules is also defined, such that a print production request or requisition is automatically generated in response to firing of one or more event rules. **The print production request or requisition contains data directly extracted from the corporate database, rather than being manually entered**

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by an employee. A notification can be generated that confirms that the print order was automatically generated and indicates a date by which the print order will be processed and shipped. Klatt, Col. 3, lines 31-44, applicant's quote highlighted.

Thus, Klatt clearly contemplates changes in a database, generating a print production request or requisition **automatically**, in response to changes in the database. In addition, the Examiner respectfully directs applicant's attention to other portions of Klatt that directly contradict applicant's limited reading of Klatt. For example:

FIG. 10 shows an example of a process for populating an event structure. In FIG. 10, an **employee record is updated** (step 1001). The change in the database storing the employee record is detected (step 1002). An event structure (reporting the change) is populated (step 1003) with information regarding the change as detected in step 1002. In the situation where certain additional information (not supplied with the detected change) is needed, such additional information is retrieved in step 1005 and populated into the event structure (step 1004). Alternatively, the additional population steps could be performed on the print production system side 360. Col. 13, lines 54-65, emphasis added.

Secondly, as shown above, Klatt clearly contemplates updating database information, including employee records (applicant's predeterminable profile), but does not provide a particular example. On one hand, **who** actually makes the change (as in claim 27) to the database information concerning an employee has no effect on the claimed **method** steps. Nevertheless, the Examiner provides the SEC Filing as a fuller description of this particular feature in Klatt. **SEC Filing** discloses control and password protected online printing center where authorized customer employees can individually modify, proof, procure and manage a wide variety of printed business materials within the centralized parameter and present rules established by the customer. See, for example, S-1 page 9 of 123, copied here for applicant's convenience (emphasis added):

ENHANCES CONTROL AND SCALABILITY	From the password-protected Online Printing Center, authorized customer employees can individually
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	modify, proof, procure and manage a wide variety of printed business materials within the centralized parameters and preset rules established by the customer
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Thirdly, Applicant's arguments concerning the absence of "...manual..." features of his invention and absent from Klatt appear to be disingenuous.

Further, Klatt specifically teaches away from providing such a front-end system that allows for *manual* entry of personal data by *the employee*. Klatt expects information to be available from existing database sources and suggests that any ability to alter that information impinges upon the novelty of its solution. Specifically, Klatt states, "The print production request or requisition contains data directly extracted from the corporate database, rather than being *manually* entered by an employee." Klatt, Col. 3, Lines 39-42. In teaching away from the Applicant's front-end solution, the Klatt reference effectively defeats that need for a suggestion or motivation to combine Klatt with the SEC reference. Rather, it shows a demotivation to do so.

By teaching away from *manual* user control, Klatt teaches away from capability #5 above - the ability to allow each of an institution's employees to access the system. Klatt also necessarily teaches away from the combination of this capability with the other required capabilities of the system. page 14, lines 16-28

Manual (adj) is defined as worked or done by hand and not by a machine.⁵ The Examiner respectfully reminds applicant that in his invention, information is entered via various computer interfaces. In addition, the Examiner respectfully reminds applicant concerning the language of his claims. For example (emphasis added):

Claim 1 reads in part

- (b) providing a **requestor interface for entry of a distributed user's print-order**, said requestor **interface** being adapted to enable the user to select and order a company-tailored business card or stationery product to be printed according to the company-tailored prototypical product record and a predeterminable profile defining content for one or more of the informational elements provided by the template; and
- (c) processing the user's print order through a **processor interface**, said processor **interface** being adapted to directly generate a pre-press product **automatically** incorporating said predeterminable profile into said tailored product.

Claim 21 reads in part,

⁵ Definition of *manual* (adj.), MERRIAM WEBSTER Collegiate Dictionary.

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(d) providing a requestor **interface** for entry of a print order by a user associated with that organization; the requestor **interface** being adapted to enable the user to select a stationery product from the set of printable stationery products, the requestor **interface** being further adapted to enable the user to define or select a profile comprising informational content for the specific informational elements of the customized templates but which does not enable the user to define or modify the organization-identifying informational content to be printed on the stationery; and in response to the print order, **automatically** generating a pre-press product incorporating both the predefined informational content for the common informational elements of the customized templates and the informational content from the user-defined or user-selected profile.

Claim 25 (currently amended): A method for **automated** print order processing to be performed **using computer hardware and software**, such method comprising ...

In addition, the Examiner notes the rejection under 35 USC 101, which requires a nontrivial application of technology in the body of the claims.

Therefore, applicant's arguments are not persuasive.

As noted in previous Office Actions, a "traverse" is a denial of an opposing party's allegations of fact.⁶ Even if one were to interpret applicants' arguments and comments as constituting a traverse, applicants' arguments and comments do not constitute an adequate traverse because applicant has not specifically pointed out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. 27 CFR 1.104(d)(2), MPEP 707.07(a). An adequate traverse must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying Examiner's notice of what is well known to one of ordinary skill in the art. In re Boon, 439 F.2d 724, 728, 169 USPQ 231, 234 (CCPA1971).

If applicant does not seasonably traverse the well known statement during examination, then the object of the well known statement is taken to be admitted prior

⁶ Definition of Traverse, Black's Law Dictionary, "In common law pleading, a traverse signifies a denial."

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art. In re Chevenard, 139 F.2d 71, 60 USPQ 239 (CCPA 1943). MPEP 2144.03

Reliance on Common Knowledge in the Art or "Well Known" Prior Art. In view of applicant's failure to adequately traverse official notice, at least the following are admitted prior art::

Office Actions up to and including 26 February 2004:

- The inclusion of command sets may permit quicker processing of estimates because a printer knows that the data that forms part of the order may already includes some of a printer's own information. This information may allow centralized sites to send information that has already been verified as correct. This may reduce the amount of validation needed at a vendor, thereby reducing turn-around time for an estimate. Because a printer may provide estimates for orders more quickly than competitors, a printer is more likely to win a company's order, thereby making more money.
- Pre-press products may be command sets for direct-to-plate systems and for copier systems. Pre-press product may differ depending on the type of system being used to produce a print product. One of ordinary skill in the art at the time the invention was made would have known that it is customary to send direct-to-plate command sets to systems that require plates. Alternatively, one of ordinary skill in the art at the time the invention was made would have known to send copier command sets to systems that produce printed products via electronic copiers.
- Scripting environments are well known to persons of ordinary skill in the art (see application, page 5, lines 7-8). In addition, scripting may be implemented with a server-side scripting language such as ACTIVE SERVER PAGES, from MICROSOFT.
- One of ordinary skill in the art at the time the invention was made would have known to use HTML and scripting languages on the Internet. Scripting languages may be used on both a client-side and on a server-side of a network. On a server, scripts may be coded to merge some or all of the data received from a client to other data that already exists on any of a server's databases.
- By using HTML and scripts, one can produce user-friendly interfaces that encourage users to engage in on-line ordering. By having user-friendly interfaces that prompt users, users may find their work more pleasant. Businesses that provide user-friendly interfaces may find increased use brings more business and more money.
- Pre-press product is different depending on the type of system being used to produce the print product. It is customary to send direct-to-plate command sets to systems that require plates. One of ordinary skill in the art at the time the invention was made would have known to send copier command sets to systems that produce printed products via electronic copying machines.
- Printing professionals use different types of hardware and software for printing. The machines vary according to manufacturer and model. Printing machines may have different versions of software, since software professionals produce newer and more sophisticated systems on a regular basis. The variety in hardware and software allows a

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more competitive market place, which produces benefits for consumers and producers alike.

- One of ordinary skill at the time the invention was made would have known that typographical information includes tracking, kerning, text and graphics adjustment data. Without information such as font size, font type, characters per inch, fixed or variable text size, image size and placement, one of ordinary skill in the art of printing and typesetting may have insufficient details to produce printed product,.
- If a print provider does not obtain sufficient information to produce a pleasing printed product according to specific guidelines, the print provider may lose customers, since customers may be very disappointed in the items they receive. Lost customers often means lost business and lost revenue. Providing pleasing, accurate products according to specifications may produce happy customers who will bring back repeat business and recommend the particular print provider to others.

Office Action of 11 November 2004:

- scripting environments are well known to persons of ordinary skill in the art (see application, page 5, lines 7-8). In addition, scripting may be implemented with a server-side scripting language such as ACTIVE SERVER PAGES, from MICROSOFT. Page 12.
- It was well known to those of ordinary skill at the time the invention was made to send copier command sets to systems that produce printed products via electronic copying machines, such as may be found in a copy store. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Klatt and knowledge generally available to those of ordinary skill in the art at the time the invention was made to disclose sending pre-press product comprising copier command set to a copy store, for example. Page 12.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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30 August 2005

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